IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6233 of 2005

Between:

M/s. Vivekananda Degree Colelge, Husnabad, Karimnagar District, Rep. by its Secretary/Correspondent, Sri N. Srinivasa Reddy, S/o. Malla Reddy, Aged 39 Years, R/o. Husnabad, Karimnagar District.

... PETITIONER

AND

1 The A.P. State Council for Higher Education, Rep. by its Secretary, Post Box No. 34, Saifabad, Hyderabad - 500 004.
2 The Government of Andhra Pradesh, Rep. by its Secretary, Department of Higher Education, Secretariat Buildings, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the notification Dt. 24-11-2004 issued by the 1st respondent published in Eenadu Telugu Daily Dated 25-11-2004 in so far as it relates to Husnabad, Karimnagar district, inviting applications for establishment of new Degree Colleges, is arbitrary, illegal, and contrary to the provisions of the A.P., Education Act and consequently direct the 1st respondent not to permit establishment of any new Degree Colleges already where the degree college is running in Husnabad, karimnagar District in private sector for the academic year 2005-06.

Counsel for the Petitioner: MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court at the stage of admission made the following:

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ORDER:

The petitioner seeks a declaration that the notification dated 24-11-2004 issued by the first respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioner-institution claims to be a recognized Degree Colleges being run at Husnabad, Karimnagar District. This writ petition is filed aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies/Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioner states that the college already established at Husnabad, Karimnagar District is catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to consider the above said aspects and therefore a detailed representation dated 10-3-2005 was made stating that granting permission for establishment of new colleges would result in unhealthy competition among the institutions. It is alleged that the respondents failed to consider the said representations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the representation dated 10-3-2005 raising objections against the establishment of new institutions in pursuance of the impugned notification is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation dated 10-03-2005 before taking any decision for grant of permission to new colleges.

However, the learned standing counsel appearing for the first respondent points out that the representation dated 10-3-2005 was made by the Telangana Rural Private Degree Colleges Management Association opposing grant of permission in the entire Telangana Region and no separate objections are filed by the petitioner, so far as Husnabad is concerned.

In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner-institution to make a separate representation raising objections against the establishment of new colleges at Husnabad. If any such representation is made within a period of one week from today, the respondents shall consider the same before finalizing the establishment of new colleges at Husnabad, Karimnagar District on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 24-03-2005

Note: Furnish C.C. in two days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Secretary, A.P. State Council for Higher Education

Post Box No. 34, Saifabad, Hyderabad - 500 004.

2 The Secretary, Department of Higher Education, Secretariat Buildings, Hyderabad.

3 Two C.Cs. to the G.P. for Higher Education, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies.